

AN IMPORTANT REPORT.

The Western Union Leases of Telegraph Lines of Land-Grant Railways Pronounced Illegal.

The Matter Brought Before the House Committee on Postoffice and Post Roads—Action to be Taken.

WASHINGTON, Dec. 15.—At the session of the house committee on postoffice and post roads yesterday the time was occupied in reading the report of Representative A. J. Warner of Ohio on the obligation of subsidized railway telegraph lines. The report is based upon the investigation ordered by the house last year under a resolution of inquiry introduced by Representative Anderson of Kansas. Several days were devoted by the committee to the hearing of arguments on this subject by the representatives of railroad and telegraph lines and other interested persons, and Dr. Warner was appointed a subcommittee of one to prepare a report for the committee's consideration. It is a very long document, and begins with a summary of the several provisions of the act of 1878 providing for the construction of the Pacific railroad and telegraph lines for which grants of land and bonds were made. After an exhaustive argument the conclusions of the subcommittee on the several points at issue are stated as follows:

1. That the obligation to construct, maintain and operate the telegraph line is the same as the obligation to construct, maintain and operate the line of railroad.

2. That the railroad company cannot relieve itself of this obligation and cannot transfer it to another company.

3. That public aid can be granted only for public purposes, such as telegraph lines as well as railroad lines, and that the same should be operated for the equal benefit of all persons, companies or corporations without discrimination in favor of or against any one.

4. In order that all may enjoy equal facilities, privileges and use of such telegraph lines, it is necessary that the same facilities and terms as to the reception and transmission of messages should be extended to one telegraph line that are granted to another, that in this matter there should be no discrimination.

It is the report says, not a question of vested right, and it is not proposed to change the condition of the charter or disturb vested rights, but it is simply a question of requiring the railroads, the beneficiaries of revenue grants to carry out the obligations assumed by them in accepting the grants. Conceding that a subsidiary railroad is under an obligation to maintain and operate a telegraph line for the benefit of all, it follows that it is bound to accept telegraph matter at the termini of its line from all telegraph companies. The committee finds from the evidence before it that the railroads are not maintaining and operating by themselves and for public use telegraph lines as required by the several acts of congress under which they were authorized to build their lines. It is held that the contracts entered into between the railroad companies and the Western Union Telegraph company, by which the rights and privileges of the railroad companies were transferred to the Western Union, are beyond the scope of the law. These positions are sustained by many references to the granting acts and the decision of the United States supreme court. The right of the Western Union or any other telegraph company to construct and operate lines of its own on the Pacific coast, is not questioned, but it is held that the construction of such lines cannot relieve the railroad companies from their obligations to maintain lines themselves, as required by the several acts.

Upon the subject of remedial legislation, the subcommittee says it recognizes the rights of persons or corporations to pursue their remedy in the courts, but it suggests that inasmuch as these companies have their existence to acts of public aid, and have been the recipients of public aid by grants of lands and bonds, in accepting which they have assumed certain obligations, it therefore becomes the duty of the government to see that the statements and obligations entered into by the companies are fairly carried out. Therefore, the subcommittee proposes a bill in lieu of the several measures referred to, which extends to telegraph lines the provisions of the act of June 20, 1878, relating to railroads and makes it the duty of the attorney-general to institute proceedings in the several courts to adjudicate all rights of parties alleged to hold contracts, or have rights under any agreement entered into with railroad companies and to annul and set aside contracts unlawfully made, by which the railroads have sought to relieve themselves of their obligations to maintain and operate independent telegraph lines. The penalties prescribed by the act of June 20, 1878, as to railroads, are made applicable to telegraph lines as well.

Representative Anderson's bill forbidding the collection and sale of news by telegraph companies, was among the bills referred to the subcommittee, but it was held that it was not proper to be included in that which relates solely to the enforcement of the obligations of railroad companies in respect to their telegraph lines. It relates rather to the question of the regulation of telegraph companies, inclusive and exclusive of land-grant lines, and that it should be considered with the federal relation of interstate commerce.

The report was ordered printed and will be taken up for discussion by the committee at an early day.

Hobbed While on a Spree.
Special to the Gazette.

SAN ANTONIO, Tex., Dec. 15.—An old woman residing on the Cibola came to the police station last night about 8 o'clock in apparently a semi-intoxicated condition and reported that she had been robbed. He said that near the grave yard, as he was returning home with a purchase of fully supplies in his wagon, he was stopped by three negroes, two of whom were disguised as women, who wrapped him in a wagon sheet and then robbed him of his property and \$25 in cash. While the officers were inclined to disbelieve the story, having seen the old man in town all day drinking rather freely, they investigated the matter, but with unsatisfactory results. The officers believe he was robbed while in a drunken sleep.

New Field Trial.
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MARSHALL, Tex., Dec. 15.—The following is the list of dogs entered by the Texas Field Trial club, with the programme:

Derby—Dogs to be tried in couples: Rip, by Walter Coch, against Capt Craig, by

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